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Total Number of Pages in This Submission

6

Application Number

10/718,925

Filing Date

November 21, 2003

First Named Inventor

BAKONYI et al.

Art Unit

1626

Examiner Name

SAEED, Kamal A.

Attorney Docket Number

IVD1103 US DIV


## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input checked="" type="checkbox"/> Terminal Disclaimer	<div>Response to Office Action</div>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

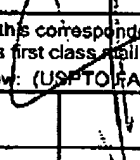
Remarks

1. Transmittal Letter - (2 pages)  
2. Terminal Disclaimer - (2 pages)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	AVENTIS PHARMACEUTICALS INC.		
Signature			
Printed name	Kelly L. Bender		
Date	June 7, 2005	Reg. No.	52,610

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Signature			
Typed or printed name	Jonas Pierre, Sr.	Date	June 7, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of  
**BAKONYI et al.**

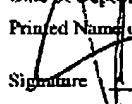
Examiner: **SAEED, Kamal A.**

Application No.: **10/718,925**

Art Unit: **1626**

Filed: **November 21, 2003**

Title: **PROCESS FOR RACEMIZATION**

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Date of Deposit	<u>June 7, 2005</u>
Printed Name of Person Signing Certificate	<u>Jonas Pierre, Sr.</u>
Signature	

**RESPONSE**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This response is to the Examiner's Office Action mailed March 10, 2005 (hereinafter, "Office Action"). This Office Action has a shortened statutory period for response set to expire on June 10, 2005. This response is, therefore, timely filed.

Claims 1 to 4, and 6 to 14 are pending in this application.

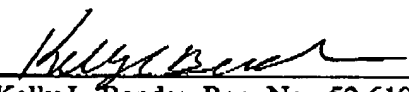
**Discussion of the Double Patenting Rejection**

Claims 1 to 4, and 6 to 14 stand rejected "under the judicially created doctrine of obviousness-type double patenting as [the Examiner alleges] being unpatentable over claims 1 to 10 of U.S. Patent No. 6,670,486 B1...". (Office Action at 2).

Without acknowledging the propriety of the Examiner's rejection, and to further the prosecution of this application, Applicants file herewith an appropriate Terminal Disclaimer, which disclaims, under the conditions provided therein, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,670,486.

In view of this, Applicants submit that the invention, as defined by the claims of the present application, is novel and non-obvious over the prior art, and complies with the requirements of 35 U.S.C. § 112. Accordingly, allowance and passage to issue of Claims 1 to 4, and 6 to 14 are respectfully requested.

Respectfully submitted,

  
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Kelly L. Bender, Reg. No., 52,610  
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Docket No. IVD1103 US DIV